IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 14214 of 2005

Between:

N. Ramchandra Reddy, S/o. Venkat Reddy,
H.No. 1-4-94-1, Korvi Road, Mahabubabad, Warangal District.

..... PETITIONER

AND

1 The Executive Engineer, Roads and Buildings, Mahabubabad.
2 The Superintendent Engineer, Roads and Buildings, Warangal.
3 The Pay and Accounts Officer, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ declaring the action of the respondents in not considering the petitioners case for reimbursement of excess seigniorage charges over and above the rates stipulated in the agreement No. 50/2003-2004, dt. 29-1-2004 relating to improvements to Mahabubabad to Yellandu road from Km.1/0 to 9/4 in Warangal District, as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner:MR.A.RAJASEKHAR REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR ROADS & BUILDINGS

WRIT PETITION NO : 14216 of 2005

Between:

N. Ramchandra Reddy, S/o. Venkat Reddy
H.No. 1-4-94-1, Korvi Road, Mahabubabad, Warangal District.

..... PETITIONER

AND

1 The Executive Engineer, Roads and Buildings,
Hanumakonda, Warangal District.
2 The Supdt. Engineer, Roads and Buildings Circle,
Hanumakonda, Warangal District.
3 The Pay and Accounts Officer, R & B Chintagattu,
Hanumakonda, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ declaring the action of the respondents in not considering the petitioners case for reimbursement of excess seigniorage charges over and above the rates stipulated in the agreements as illegl and arbitrary in respect of Agreement No. 61/2003-2004, dt. 8-3-2004 relating to Improvements to Mahabubabad-Kesamudram Road from Km 6/0 to 12/0 in Warangal District.

Counsel for the Petitioner:MR.A.RAJASEKHAR REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR ROADS & BUILDINGS

WRIT PETITION NO : 14217 of 2005

Between:

N. Ramachandra Reddy S/o Venkat Reddy
H. NO. 1-4-94-1, Korvi Road, Khammam District

..... PETITIONER

AND

1 The Executive Engineer, Roads and Buildings, Kothagudem, Khammam District
2 The Superintendent Engineer, Roads and Buildings, Khammam Circle, Khammam
3 The Pay and Accounts Officer, R&B Khammam, Khammam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ declaring the action of the respondents in not considering the petitioners case for reimbursement of excess seigniorage charges over and above the rates stipulated in the agreements as illegal and arbitrary in respect of Agreement No. 06/2003-04, dt 07-06-2004 relating to improvements to Tippanapalli to Sujathanagar Road from Km. O/o to 8/2 in Khammam District, as illegal arbitrary and unconstititonal.

Counsel for the Petitioner:MR.A.RAJASEKHAR REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR ROADS & BUILDINGS

WRIT PETITION NO : 14230 of 2005

Between:

N. Ramachandra Reddy S/o. Venkat Reddy
R/o. H.No.1-4-94-1 Korvi Road
Mahabubabad, Warangal District.

..... PETITIONER

AND

1 The Executive Engineer Roads and Buildings
Khammam.
2 The Supdt. Engineer Roads and Buildings,
Khammam Circle Khammam.
3 The Pay and Accounts Officer, Khammam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not considering the petitioners case for reimbursement of excess seigniorage charges over and above the rates stipulated in the agreements as illegal and arbitrary in respect of agreement No.1/2004-2005, dt.16-05-2004 relating to improvements to Budrakshapalli to Patwarigudem road from Km.0/0 to 20/0 in Khammam District, as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner:MR.A.RAJASEKHAR REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR ROADS & BUILDINGS

-

-

-

-

-

WRIT PETITION NO : 14215 of 2005

Between:

N. Ramachandra Reddy, S/o. Venkat Reddy, H.No. 1-4-94-1, Korvi Road, Mahabub Nagar, District.

..... PETITIONER

AND

1 The Supdt. Engineer, Road and Buildings Khammam Circle, Khammam.
2 The Supdt. Engineer, Roads and Bulidings, Khammam Circle, Khammam.
3 The Pay and Accounts Officer, Khammam, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Manadumus or any other appropriate writ declaring the action of the respondents in not considering the petitioners case for reimbursement of excess seigniorage charges over and above the rates stipulated in the agreements as illegal and arbitrary in respect of Agreement No.124/2003-2004, dt 09-03-2004 relating to widening of the road from K.m.20/0 to 22/930 of Sathupaily to Patwarigudem Road in khammam dist. as illegal, arbitrary and unconstitutional.

Counsel for the Petitioner:MR.A.RAJASEKHAR REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR ROADS & BUILDINGS

WRIT PETITION NO : 14191 of 2005

Between:

N. Ramachandra Reddy, S/o. Venkat Redy,
H.No.1-4-94-1, Korvi Road, Mahabubabad, Warangal Dist.

..... PETITIONER

AND

1 The Executive Engineer, Roads and Buildings, Mahabubabad.
2 The Supdt. Engineer, Roads and Buildings, Warangal.
3 The Pay and Accounts Officer, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ declaring the action of the respondents in not considering the petitioner's case for reimbursement of excess seigniorage charges over and above the rates stipulated in the agreements as illegal and arbitrary in respect of Agreement No.02/2003-2004, dt 05-06-2004, relating to improvements to Narasimhulapet to Uggampally (Via) Ramannagudem Mongimadugu from Km 0/0 to 7/0 in Warangal District.

Counsel for the Petitioner:MR.A.RAJASEKHAR REDDY

Counsel for the Respondent Nos. 1 to 3: GP FOR ROADS & BUILDINGS

The Court made the following :

-

-

-

-

-

-

O R D E R:

-

1) All these writ petitions are filed by the Contractors aggrieved by the action of the respondent-department in collecting higher rates of seigniorage charges on the material used while executing contract works with reference to the agreements executed between the parties.

2) The grievance of the petitioners is that eventhough agreements were executed much prior to 01.10.2004, the date on which G.O.Ms.No.217, dated 29.09.2004 came into effect by enhancing the seigniorage charges, the respondents have collected seigniorage charges at the enhanced rates as per the said G.O., without reference to the date of agreement entered into between the petitioners and respondents. According to the petitioners, respondents are not entitled to collect higher rates of seigniorage charges with reference to the agreements entered into prior to the date of the said G.O. Therefore, they sought for reimbursement of the seigniorage charges already collected from the petitioners by the respondents.

3) At the time of hearing, the learned Government Pleader contended that there is a stipulation in the terms of the agreement for collection of seigniorage charges at higher rates, if there is a revision subsequent to the date of agreement. Therefore, it was stated that in view of the terms of the agreement for collection of higher rates of seigniorage charges, if there is any revision, the respondents are entitled to collect seigniorage charges at higher rates as per the revised rates. Therefore, there is no illegality or irregularity in collecting seigniorage charges at higher rates. The learned

counsel also referred a judgment of a Division Bench of this court in W.P.No.26040 of 2001, dated 03.03.2003, in the case of *M.C.CONSTRUCTIONS LTD., REPRESENTED BY ITS MANAGING DIRECTOR, M.CHANDRA SEKHAR REDDY VS. THE ENGINEER IN CHIEF, R & B, HYDERABAD & OTHERS,* wherein a Division Bench of this Court, after considering the contentions, held that the respondents are entitled to collect seigniorage charges at higher rates as per the revised rates in terms of the stipulation under the agreement entered into between the parties. Therefore, the learned Government Pleader sought for passing of similar order.

4) The learned counsel for the petitioner contended that the respondents are not entitled to collect higher rates of seigniorage charges even prior to the date from which, the revised rates have come into operation i.e., prior to 01.10.2004. Therefore, sought for appropriate orders.

5) Heard both sides and considered the material on record.

6) Admittedly, the petitioners have entered into agreements with the respondents for execution of various works prior to 01.10.2004. In the agreements specified rates are mentioned. Therefore, the respondents are not entitled to collect at higher rates till 01.10.2004, the date from which seigniorage charges were revised and enhanced. The respondents are however entitled to collect seignorage charges on the revised rates only from 01.10.2004. If the respondents have collected any seigniorage charges at the revised rates prior to 1.10.2004, to that extent, the petitioners are entitled for reimbursement.

7) The writ petitions are accordingly disposed of directing the respondents to consider the case of the petitioners and if any seigniorage charges are collected at the revised rates prior to 01.10.2004, i.e., over and above the rates stipulated in the

agreement, the petitioners entitled for reimburse the said seigniorage charges. However, the respondents are entitled to collect seigniorage charges at the revised or higher rates as per G.O.No.217, dated 29.09.2004 from 1-10-2004 onwards.

8) The writ petitions are accordingly disposed of. No costs.

_____

S.ANANDA REDDY J.,

Dt.04.07.2005

Tjs

To

1 The Executive Engineer, Roads and Buildings, Mahabubabad.
2 The Superintendent Engineer, Roads and Buildings, Warangal.
3 The Pay and Accounts Officer, Warangal District.

4 The Supdt. Engineer, Roads and Buildings Circle,
Hanumakonda, Warangal District.
5 The Pay and Accounts Officer, R & B Chintagattu,
Hanumakonda, Warangal District.

6 The Executive Engineer, Roads and Buildings, Kothagudem, Khammam District
7 The Superintendent Engineer, Roads and Buildings, Khammam Circle,
Khammam
8 The Pay and Accounts Officer, R&B Khammam, Khammam District

9 2 C.Cs to the G.P. for Roads & Buildings, High Court of A.P., Hyderabad. (OUT)

10 2 C.D.Copies.